

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

In re:
Dale R. Eastman and Kitty M. Eastman,

Chapter 7

Case No. 05-44357-MDM-7

Debtor(s).

**MOTION OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
FOR RELIEF FROM THE AUTOMATIC STAY AND ABANDONMENT**

Mortgage Electronic Registration Systems, Inc., the current mortgagee of record, its successors, servicing agents and/or assignees (hereinafter collectively and at all times material hereto "the movant"), through its attorneys, Gray & End, LLP, hereby moves the court for relief from the automatic stay and abandonment pursuant to sections 362(d) and 554(b) of the Bankruptcy Code and alleges as follows:

1. The movant holds a promissory note and mortgage encumbering real property owned by the debtor(s) and located at 11325 206th Avenue, Trevor, WI. A copy of the properly-perfected mortgage is attached hereto and its contents are incorporated herein by reference.

2. That the mortgage loan for which the movant has a secured interest is in default for all payments coming due on and after November 1, 2005 and, unless cured, said default will result in the subject property being sold at a foreclosure sale.

3. That the estimated fair market value of the property according to the local assessor's office is \$111,600.00.

4. That the mortgaged property's value is computed as follows:

Estimated fair market value	\$111,600.00
LESS: forced sale discount (20%)	<u>(22,320.00)</u>
Value at foreclosure sale	<u>\$89,280.00</u>

Drafted by:

Jay J. Pitner, GRAY & END, L.L.P.
600 North Broadway, Suite 300
Milwaukee, WI 53202
Phone: (414) 278-8060
Fax: (414) 224-1279
Email: jpitner@grayandend.com

5. That the amounts due and to become due on the note and mortgage are as follows:

Principal	\$100,767.09
Interest to date	2561.16
Estimated attorneys' fees and costs	<u>2,000.00</u>
Amount due at foreclosure sale	<u>\$105,328.25</u>

6. That there is no equity in the property over and above the liens of the secured creditors, the exemptions claimed by the debtor(s), unpaid real estate taxes and other liens of record. The movant does not have protection from the debtor(s) in the form of money payments or other security pending this bankruptcy case. Based upon the foregoing, the movant does not have adequate protection from the debtor(s) with regard to its security interest.

7. The allegations of the foregoing paragraphs indicate that the encumbered property is burdensome and of inconsequential value and benefit to the bankruptcy estate.

WHEREFORE, the movant requests that the automatic stay as it pertains to the debtor(s) and the encumbered real property be terminated pursuant to section 362(d) of the Bankruptcy Code so that the movant may protect, exercise and enforce its rights pursuant to said note and mortgage, and that the trustee be ordered to abandon the estate's interest in the encumbered property pursuant to section 554(b) of the Bankruptcy Code, that any order entered pursuant to this motion be effective immediately upon its entry and for such further relief as may be just and equitable.

Dated this 17th day of January, 2006.

GRAY & END, L.L.P.
Attorneys for Movant

By: /s/ Jay Pitner
Jay Pitner
State Bar No. 1010692

Pursuant to the Fair Debt Collection Practices Act (15 U.S.C. Section 1692), we are required to state that we are attempting to collect a debt on our client's behalf and any information we obtain will be used for that purpose.

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

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**NOTICE OF MOTION OF MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
INC. FOR RELIEF FROM THE AUTOMATIC STAY AND ABANDONMENT**

Mortgage Electronic Registration Systems, Inc., the current mortgagee of record, its successors, servicing agents and/or assignees (hereinafter collectively and at all times material hereto “the movant”), has filed papers with the court to obtain relief from automatic stay and abandonment.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, **within fifteen (15) days of the date of this notice**, you or your attorney must do the following:

File with the court a written objection to the motion and a request for a hearing with:

Office of the Clerk of Court
517 East Wisconsin Ave
Milwaukee, WI 53202

If you mail your request and objection to the court for filing, you must mail it early enough so the court receives it within 15 days of the date of this notice.

Drafted by:
Jay J. Pitner
GRAY & END, L.L.P.
600 North Broadway, Suite 300
Milwaukee, WI 53202
Phone: (414) 278-8060
Fax: (414) 224-1279
Email: jpitner@grayandend.com

You must also mail copies of the written objection and request for a hearing to:

Jay J. Pitner
Gray & End, L.L.P.
600 North Broadway, Suite 300
Milwaukee, WI 53202

Michael F. Dubis
Chapter 7 Trustee
208 East Main Street
Waterford, WI 53185

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated this 17th day of January, 2006.

GRAY & END, L.L.P.
Attorneys for Movant

By: /s/ Jay Pitner
Jay Pitner
State Bar No. 1010692

Pursuant to the Fair Debt Collection Practices Act (15 U.S.C. Section 1692), we are required to state that we are attempting to collect a debt on our client's behalf and any information we obtain will be used for that purpose.

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AFFIDAVIT OF SERVICE

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

Marcella Bettinger-Schoening, being first duly sworn on oath deposes and says that she is an employee of the firm of GRAY & END, L.L.P., attorneys for the movant identified herein, that on the 17th day of January, 2006 she electronically filed the notice of motion and motion for relief from the automatic stay and abandonment and that copies of these documents were mailed, properly enclosed in a postage paid envelope, or served electronically if the party accepts electronic service, to the following:

Dale R. Eastman
P.O. Box 245
Trevor, WI 53179

Kitty M. Eastman
P.O. Box 245
Trevor, WI 53179

Patricia A. Zamba
Attorney at Law
24501 – 75th Street
Salem, WI 53186

Michael F. Dubis
Chapter 7 Trustee
208 East Main Street
Waterford, WI 53185

Office of the US Trustee
517 E. Wisconsin Avenue, Room 430
Milwaukee, WI 53202

Milwaukee

BP Visa
P.O. Box 15298
Wilmington, DE 19850-5298

Bank One
1 Bank One Plaza
Chicago, IL 60670

Chase Bank USA NA
P.O. box 15650
Wilmington, DE 19886-5650

Chase Successor to Bank One
P.O. Box 15298
Wilmington, DE 19850-5298

Countrywide Home Loans
P.O. Box 5170
Simi Valley, CA 93062-5170

Discover Card
P.O. Box 30395
Salt Lake City, UT 84130-0395

GMAC
P.O. Box 217060
Auburn Hills, MI 48321

George and Kathleen Carroll
4106 Michel Tree St.
Port Charlotte, FL 33948

Internal Revenue Service
Special Procedures Function
Insolvency Unit
P.O. Box C-13
Laguna Niguel, CA 92677

LTD Financial Services
7322 Southwest Freeway, Suite 1600
Houston, TX 77074

MBNA
P.O. Box 15026
Wilmington, DE 19850-5026

NCO Financial Systems, Inc.
507 Prudential Road
Horsham, PA 19044

National Action Fin. Serv.
P.O. Box 9027
Williamsville, NY 14231-9027

Oregon Dept. of Revenue
955 Center St NE
Salem OR 97301-2555

Penncros Associates, Inc.
PO Box 1209
Oaks, PA 19456

Raymond I and Nancy L. Johnson
23438 - 125th Street
Trevor, WI 53179

Valentine & Kebartas, Inc.
P.O. Box 325
Lawrence, MA 01842

Wisconsin Dept of Revenue
P.O. Box 8933 Mail Stop 6-40
Madison, WI 53708-8933

/s/ Marcella Bettinger-Schoening
Marcella Bettinger-Schoening

Subscribed and sworn to before me
this 17th day of January, 2006.

/s/ Nicholas R. Price
Nicholas R. Price, Notary Public
Milwaukee County, Wisconsin
My commission expires: 07/29/2007.